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7 Attorneys for Defendant
8 CITY OF SANTA CLARA

9
10 **IN THE UNITED STATES DISTRICT COURT**
11 **NORTHER DISTRICT OF CALIFORNIA**

12 NANCY NAVA,

13 Plaintiff,

14 vs.

15 MIKE SEADLER, individually and in
16 his capacity as a Santa Clara police
17 officer; CLYDE CHENG, individually
18 and in his capacity as a Santa Clara
19 police officer; ALEX TORKE,
20 individually and in his capacity as a
21 Santa Clara police officer; A. WOLF,
22 individually and in his capacity as a
23 Santa Clara police officer; S.
24 MAJOROS, individually and in his
25 capacity as a Santa Clara police
26 officer; T. SHEARER, individually
27 and in his capacity as a Santa Clara
28 police officer; J. FANUCCHI,
individually and in his capacity as a
Santa Clara police officer; T.
NIESEN, individually and in his
capacity as a Santa Clara police
officer; M. OVER, individually and in
his capacity as a Santa Clara police
officer; DAN WINTER, individually
and in his capacity as a Santa Clara
police officer; A. LANGE, individually
and in his capacity as a Santa Clara
police officer; R. CIRAULO,
individually and in his capacity as a
Santa Clara police officer; J.
MASTILLOCK, individually and in his
capacity as a Santa Clara police
officer; A. LAYTON, individually and
in his capacity as a Santa Clara
police officer; J. GREEN, individually
and in his capacity as a Santa Clara

Case No. C08 03066 PVT

**ORDER PERMITTING SUBSTITUTION
AND DISMISSAL OF CERTAIN
DEFENDANTS**

1 police officer; D. RUSH, individually)
 and in his capacity as a Santa Clara)
 2 police officer; F. SAUNDERS,)
 individually and in his capacity as a)
 3 Santa Clara police officer; D.)
 MACHADO, individually and in his)
 4 capacity as a Santa Clara police)
 officer; J. OLIVER, individually and in)
 5 his capacity as a Santa Clara police)
 officer; B. STERKEL, individually and)
 6 in his capacity as a Santa Clara)
 police officer; JOHN DOE and)
 7 RICHARD ROE, individually and in)
 their capacities as Santa Clara police)
 8 officers, the true names and exact)
 numbers of whom are unknown at)
 9 this time; CITY OF SANTA CLARA,)
 a municipal corporation,)
 10)
 Defendants.)
 11)
 _____)
 12)

13 THE PARTIES HAVING STIPULATED, the Court hereby orders:

14 1. MARK SCHALLER, individually and in his capacity as a Santa Clara police
 15 officer, shall be added as a Defendant to this action. Plaintiff's action against Defendant
 16 MARK SCHALLER shall not include a claim for punitive or exemplary damages.

17 2. Defendant MARK SCHALLER shall file a responsive pleading within 14 days
 18 of the entry of this Order.

19 3. The following Defendants shall be dismissed: ANTHONY LAYTON (sued
 20 herein as "A. LAYTON"), JOE OLIVER (sued herein as "J. OLIVER"), and BRYAN
 21 STERKEL (sued herein as "B. STERKEL").

22 4. The parties shall continue good faith efforts to dismiss individual defendants
 23 having no direct involvement with the contact at issue alleged by Plaintiff.

24 5. This Order is without prejudice to Plaintiff, should she deem in good faith at
 25 a later stage in litigation that there is evidence to suggest one of the officer-defendants
 26 enumerated in Paragraph 3 did have direct involvement with her contact at issue, to apply
 27 for leave to add that (those) officer(s) back in as Defendants.

28 6. Plaintiff shall not be required to subpoena dismissed defendants for

deposition, but may do so to the extent otherwise appropriate upon Notice.

DATED: 5/10/10


MAGISTRATE JUDGE OF THE UNITED
STATE DISTRICT COURT